

**EXHIBIT 9
(Public)
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1 UNITED STATES DISTRICT COURT
2 DISTRICT OF MINNESOTA
3

4 CASE NUMBER: 16-cv-1054 (WMW/DTS)
5

6 Fair Isaac Corporation, a Delaware corporation,
7 Plaintiff,
8 versus
9 Federal Insurance Company, and Indiana
10 corporation, and ACE American Insurance Company, a
11 Pennsylvania corporation,
12 Defendants.
13

14 VIDEOTAPED DEPOSITION OF EXPERT WITNESS
15

16 BILLY MCCARTER
17

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25 TAKEN: 5 June 2019 BY: Jackie McKone



1 A. He did -- as I recall, he didn't have specific
 2 knowledge about the technologies that are in the
 3 application. It was more around the business use
 4 of the applications that he was -- was talking to
 5 him. So -- he was speaking to.
 6 Q. And for the business, you said the applications.
 7 What do you mean by that?
 8 A. How they use CSI Express, DecisionPoint, et
 9 cetera. Automated renewal.
 10 Q. And what did he tell you?
 11 A. Not much more than what was in the case documents
 12 to be honest. These were folks that -- that
 13 weren't -- weren't mostly aware Blaze was even
 14 involved in their applications and how they were
 15 being used. It was more about the business
 16 functionality that those systems provided.
 17 Q. And then Alissa Theberge?
 18 A. Let's see who Alissa was, see what her role was.
 19 Most of these happened on -- on scheduled calls
 20 with the same people.
 21 Q. How many times --
 22 A. She was an -- she was an underwriter, and talked
 23 about the -- as I recall, we -- we talked about
 24 the use of CSI Express, and under -- for
 25 underwriting.

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1 Q. Okay, but you knew what Blaze provided within that
 2 application?
 3 A. Correct.
 4 Q. And the function that it provided?
 5 A. Yes.
 6 Q. And did you ask her about that function and what
 7 her opinion was of that function?
 8 A. She said that that's all handled by the IT group
 9 on the rules. If they need a change to the
 10 business rules that need to be made, they submit a
 11 request to IT.
 12 Very similar to if it was embedded into an
 13 application, which somewhat negates the benefit of
 14 the externalization of the rules. They didn't put
 15 it in the hands of the business users. It was
 16 still the IT folks that maintain the business
 17 rules.
 18 Q. Got it, but you didn't ask her about any of the
 19 specific functions that Blaze Advisor provides
 20 within CSI Express?
 21 A. She wasn't aware of Blaze so she couldn't answer
 22 that question. I -- I didn't -- I asked her about
 23 underwriting. I didn't ask her about Blaze, or
 24 whatever the business processes were.
 25 Q. Understood. My question is a little bit

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1 Q. And what did she tell you?
 2 A. Basically about how they use it, and again, most
 3 of the -- I don't recall her -- she specifically
 4 said it, but they weren't even aware of Blaze
 5 Advisor other than this case where they were
 6 instructed this is why they are meeting with an
 7 expert to discuss it.
 8 Q. Did you talk with Miss Theberge about the features
 9 within CSI Express enabled by Blaze Advisor?
 10 A. They didn't know anything about Blaze, Blaze
 11 Advisor. So no. I did not.
 12 I asked them about the functionality of the
 13 application and what it was used for, and from
 14 that is where they -- one of them said, "We didn't
 15 even know Blaze was involved until we got called
 16 to this meeting."
 17 Q. So within CSI Express, Blaze Advisor provides
 18 functionality relating to underwriting decision;
 19 is that right?
 20 A. It provides a rules service related to
 21 underwriting decisions.
 22 Q. And did you ask Ms. Theberge about that specific
 23 functionality within CSI Express?
 24 A. I asked all of these folks if they were aware of
 25 Blaze and what it provided, and the answer was no.

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1 different. It's about the functionality within
 2 CSI Express --
 3 A. Um-hm.
 4 Q. -- that Blaze provides.
 5 A. Um-hm.
 6 Q. And Ms. Theberge is an underwriter; correct?
 7 A. Um-hm.
 8 Q. So she would be a person that was interacting with
 9 CSI Express?
 10 A. She's using the functionality that is -- the user
 11 interface gives her, and it doesn't say this is
 12 Blaze or a rule issue. It's all handled behind
 13 the scenes.
 14 Q. Right, but you would agree that Blaze is enabling
 15 certain functionality within CSI Express?
 16 A. It's -- it's supporting the underlying process.
 17 Q. Yes.
 18 Q. And you did not ask her any questions about the
 19 benefits of that functionality; right?
 20 A. The benefits of an underwriting application versus
 21 the benefits of Blaze is two different things.
 22 Q. Understood. Did you ask her --
 23 A. I asked her about the application, you know, of
 24 the CSI Express application functionality, and
 25 it's -- it's basically a -- a policy

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1 administration system with all the functionality 2 to underwrite a insurance policy. I mean -- and 3 there's functionality that sits behind the scenes, 4 not just Blaze, many other components that sit 5 behind the scenes that are utilized that are not 6 even visible to most of these people.	1 various case documents, depositions, et al., and 2 it was clarification basically.
7 Q. So you asked her what it does?	3 Q. Did she -- did she chime in and provide you with 4 any -- any information in those group calls?
8 A. It's an underwriting application. Yeah.	5 A. She clarified, for example, in CUW, the inventory 6 management, the role of that functionality within 7 inventory management, but I don't know if it was 8 Jennifer or one of the others that said it. I 9 don't have my notes, but basically they clarified 10 the functionality of certain activities that used 11 Blaze, but they didn't know it used Blaze at the 12 end of the discussion.
9 Q. Not --	13 Q. So Miss Santucci clarified the functionality of 14 certain activities within the inventory management 15 part of CUW that used Blaze?
10 A. Or policy avenue.	16 A. Yeah. I think that was correct, and I think it 17 was her. I'd -- I'd have to go check my notes, 18 but all these folks were on the same calls 19 together, not all of them at the same time 20 obviously, but -- but the operations folks, the 21 underwriting folks that are on this list all were 22 on the same calls together. So just had to 23 clarify who -- who gave me the response.
11 Q. Not what she perceived to be the benefits?	24 Q. So Ms. Santucci knew of functions of certain 25 activities that use Blaze even though she didn't
12 A. Yeah. She -- no. I did not ask her about the 13 benefits to her. What we talked about the 14 benefits was really Ellen and Helen who basically 15 said they could do some of this work -- once they 16 found out Blaze was there, they said it's really a 17 check the box application, and we don't -- we 18 could have done this in Excel.	
19 Q. That's for the TAPS application?	
20 A. TAPS. I think TAPS was the one. Yeah. I'd have 21 to go back and look.	
22 Q. TAPS was the one. Okay, but aside from Ms. Garnes 23 and Ms. Mencke, you did not ask any of the other 24 individuals on this list about the benefits of the 25 functionality of any of the applications that are	
1 at issue in this case?	1 know it was Blaze Advisor behind the scenes?
2 A. It's not the applications that are -- it's Blaze 3 that I was interested in researching, not the 4 functionality that's provided by Federal's own 5 applications. I mean ...	2 A. Yes. Yeah.
6 Q. Right. I was starting broad and then going to go 7 a little bit deeper. So your answer to that 8 questions on the applications is no?	3 Q. Anything else that you discussed with Ms. 4 Santucci?
9 A. No.	5 A. Not that I recall.
10 Q. And then moving down to the features, within those 11 applications that are enabled by Blaze, you did 12 not ask any of these individuals in Paragraph 16 13 what the benefits were from those features 14 separate from the functionality?	6 Q. Moving on to Mr. Pandey, what did you speak with 7 him about?
15 A. I -- I did not ask them the benefits of those 16 features from a Blaze perspective because they 17 told me up front they didn't even know what Blaze 18 was.	8 A. The overall information technology architecture, a 9 number of systems, number of applications where 10 Blaze was used.
19 Q. So Miss Santucci. How many times did you speak 20 with Ms. Santucci?	11 He was the IT side, and I -- I had more -- 12 he was aware of Blaze, and where it was being 13 used, and how it was being used within a number of 14 different applications. So he helped clarify what 15 I was reading in a lot of documents that were 16 produced by Mirolyuz and others.
21 A. I think that she was on one phone calls, and these 22 were always group calls with multiple people.	17 Q. And what about Mr. Folz; what did you speak with 18 him about?
23 Q. And -- and what did you ask Ms. Santucci?	19 A. About the original justification for acquiring 20 Blaze. He was the controller back at the time.
24 A. I just -- the same discussion around CSI Express, 25 CUW to just clarify what I was reading within	21 He's no longer with the company.
	22 Q. And what role did Mr. Folz have in that -- back in 23 2006; right?
	24 A. Um-hm.
	25 Q. What role did he have in that process to acquire a

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- 1 Q. You're specifically referring to TAPS; correct?
- 2 A. I am. I am.
- 3 Q. Do you know how many -- and TAPS stands for what
- 4 again?
- 5 A. Texas Accident Prevention. It's a workers' comp
- 6 compliance requirement for the state of Texas.
- 7 Q. And so some insurance applications need to comply
- 8 with TAPS in Texas; correct?
- 9 A. Correct.
- 10 Q. Do you know how many insurance policies that
- 11 affects every year?
- 12 A. No I do not.
- 13 Q. Did you ask anybody?
- 14 A. It doesn't matter whether it's one or many, but
- 15 no, I did not.
- 16 Q. So why do you say that the -- is it your opinion
- 17 that the features, functionality provided by Blaze
- 18 within the TAPS application could be done with an
- 19 Excel spreadsheet; correct?
- 20 A. That's what I was told. Yes.
- 21 Q. That's what you were told by whom?
- 22 A. Helen and Ellen.
- 23 Q. And did you do anything to independently verify
- 24 that that statement was true?
- 25 A. I looked at the descriptions of all the use of

- 1 TAPS within the depositions and documents that I
- 2 had, and it would confirm that it's a disclosure
- 3 type of check the box function that we disclose
- 4 properly as part of the process. So that's my
- 5 only verification.
- 6 Q. And how would you use an Excel spreadsheet instead
- 7 of Blaze to accomplish the same functionality?
- 8 A. I have an individual pull up the spreadsheet, go
- 9 through the list of applications, and see if it
- 10 complied.
- 11 Q. But you don't know how many applications that
- 12 individual would have to look through?
- 13 A. And according to Ellen, it's a low volume
- 14 business. So I didn't ask how many policies. Low
- 15 volume usually means low, not many, and they said
- 16 that Blaze was used because it was there. It --
- 17 you know, it wasn't -- not Helen and Ellen didn't
- 18 say that because they didn't know Blaze existed.
- 19 Ramesh Pandey basically said they could have
- 20 easily used Excel as well.
- 21 Q. Do you know how many people would need to be
- 22 employed to undertake the same tasks as Blaze
- 23 Advisor with respect to the TAPS application to
- 24 perform the same functions using Excel
- 25 spreadsheet?

- 1 A. I don't recall the exact number, but they said a
- 2 small number of people could have done this.
- 3 Q. How many is a small number of people?
- 4 A. I don't know. I didn't ask.
- 5 Q. Over how many years? Do you know?
- 6 A. No.
- 7 Q. You don't know how many policies it involved;
- 8 correct?
- 9 A. Other than it was a low volume business. Workers'
- 10 comp in Texas is poor -- is probably a very low
- 11 volume business.
- 12 Q. Chubb is one of the largest insurance companies in
- 13 the world; correct?
- 14 A. Um-hm.
- 15 Q. They are one of the largest suppliers of business
- 16 insurance in the United States; correct?
- 17 A. Right.
- 18 Q. So a low volume of business to Chubb could be --
- 19 strike that. So you don't have an opinion one way
- 20 or the other as to the cost or expense Chubb would
- 21 have incurred to use an Excel spreadsheet instead
- 22 of Blaze Advisor in the TAPS application --
- 23 A. I do not.
- 24 Q. And you don't -- you have not undertaken an
- 25 analysis to determine whether the use of a

- 1 spreadsheet in the TAPS application instead of
- 2 Blaze Advisor would yield the same results;
- 3 correct?
- 4 A. I -- I'm going by the word, the folks I spoke
- 5 with, that they could use it that way.
- 6 Q. Do you know what percent of Federal's business
- 7 rules were ever implemented into Blaze Advisor?
- 8 A. I couldn't get a count. So no I do not.
- 9 Q. What was your methodology then to determine in
- 10 Paragraph 69 to make the statement, "Only a
- 11 fraction of Federal's business rules and decisions
- 12 were ever loaded into Blaze Advisor," -- "Blaze to
- 13 assist Federal."?
- 14 A. There's hundreds of thousands of rules that are
- 15 executed on a daily basis as part of this business
- 16 activity model, and if you look at the numbers of
- 17 rules that are loaded -- that are on that Fed
- 18 17914, it's a small amount compared to the total
- 19 rules that are being made on a daily basis.
- 20 Q. Do you know how many -- how many rules decisions
- 21 are being made at Federal on a daily basis?
- 22 A. I do not.
- 23 Q. Did you ask anyone?
- 24 A. I asked for total rules relative to plays, but I
- 25 didn't ask them for the total rules across all of